

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-080169
		C-080170
Plaintiff-Appellee,	:	TRIAL NO. B0707738
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
SARAH WELSH,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Sarah Welsh killed Jean Marie Smith and seriously injured Gary Henderson when she drove her car while drunk. She entered into a plea agreement with the state. She agreed to plead guilty to one count of aggravated vehicular homicide and one count of aggravated vehicular assault. On the plea agreement, the state and Welsh agreed in writing to a potential sentence totaling four and one-half years in prison. The trial court, before accepting Welsh's plea, informed her that it was not bound by the agreement. Welsh pleaded guilty. The trial court sentenced Welsh to a total of six years in prison, along with a lifetime driving suspension. Welsh now appeals.

On appeal, Welsh argues that the trial court erred by failing to honor the potential sentencing agreement and by imposing a sentence that was inconsistent with sentences imposed on other defendants for similar crimes.

Before Welsh pleaded guilty, the trial court explained, "I'm not bound by your agreement with the state. I can still give you, in terms of incarceration, anything from two years in the state penitentiary, all the way up to nine and a half years."

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

The trial court informed Welsh that it was not bound by her agreement with the state. Thus, it did not abuse its discretion by sentencing her to six years in prison.² And Welsh's sentence was not inconsistent with those of defendants convicted of similar crimes.³

Therefore, we affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J, PAINTER and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on November 26, 2008

per order of the Court _____.
Presiding Judge

² *State v. Darmour* (1987), 38 Ohio App.3d 160, 161, 529 N.E.2d 208.

³ *State v. Gaines*, 1st Dist. Nos. C-040124 and C040178, 2005-Ohio-3032; *State v. Stafford*, 158 Ohio App.3d 509, 2004-Ohio-3893, 817 N.E.2d 411.